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9 ZACHARIAH JUDSON RUTLEDGE
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11 UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
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|-----------------------------------|---|---------------------------|
| 16 ZACHARIAH JUDSON RUTLEDGE, |) | CASE NO.: CV 07-04274 EMC |
| |) | |
| 17 Plaintiff, |) | WAIVER OF SERVICE |
| |) | OF SUMMONS |
| 18 vs. |) | |
| |) | |
| 19 COUNTY OF SONOMA, MICHAEL |) | |
| 20 POTTS, RUSSEL L. DAVIDSON, |) | |
| 21 JAMES PATRICK CASEY, CHRISTINE |) | |
| M. COOK, BEAU R. MARTIN, |) | |
| J. MICHAEL MULLINS, STEPHAN R. |) | |
| PASSALACQUA, GREG JACOBS, |) | |
| SONOMA COUNTY SHERIFF'S |) | |
| DEPARTMENT, SONOMA COUNTY |) | |
| DISTRICT ATTORNEY'S OFFICE, |) | |
| and DOES 1 through 40. |) | |
| |) | |
| Defendants. |) | |

1 TO: J. DAVID NICK and E.D. LERMAN, attorneys for Plaintiff, Zachariah Rutledge,

2 I acknowledge receipt of your request that I waive service of a summons in the above
3 captioned action, Rutledge v. Sonoma County et al, which is case number CV 07-04274 EMC
4 in the United States District Court for the Northern District of California, on behalf of the
5 following defendants:

6 COUNTY OF SONOMA,
7 RUSSEL L. DAVIDSON,
8 BEAU R. MARTIN,
9 J. MICHAEL MULLINS,
10 STEPHAN R. PASSALACQUA,
11 CHRISTINE M. COOK,
12 JAMES PATRICK CASEY,
13 GREG JACOBS,
14 SONOMA COUNTY SHERIFF'S DEPARTMENT, and
15 SONOMA COUNTY DISTRICT ATTORNEY'S OFFICE.

16 I have also received a copy of the complaint, first amended complaint, second amended
17 complaint, ECF Registration Information Handout, Order Setting Initial Case Management
18 Conference and ADR Deadlines, Welcome to the U.S. District Court, San Francisco Office
19 Hours, and Notice of Assignment of Case to a United States Magistrate Judge for Trial, in the
20 action, and two copies of this instrument, and a means by which I can return the signed waiver
21 to you without cost to me.

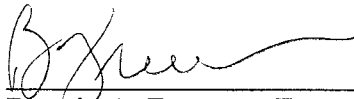
22 I agree to save the cost of service of a summons and an additional copy of the complaint
23 in this lawsuit by not requiring that the entity on whose behalf I am acting be served with
24 judicial process in the manner provided by Rule 4.

25 All of the aforementioned defendants will retain all defenses or objections to the lawsuit
26 or to the jurisdiction or venue of the court except for objections based on a defect in the
summons or in the service of the summons.

I understand that a judgment may be entered against all of the aforementioned
defendants if an answer or motion under Rule 12 is not served upon you within 60 plus 5 days

1 after January 29, 2008, or within 90 days after that date if the request was sent outside the
2 United States.

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4 Date: 1/31/08

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6 Bonnie A. Freeman, Esq.
7 SENNEFF, FREEMAN & BLUESTONE, LLP
8 50 Old Courthouse Square, Ste 401
9 P.O. Box 3729
10 Santa Rosa, CA 95402

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18 DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

19 Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary
20 costs of service of the summons and complaint. A defendant located in the United States who, after being notified
21 of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will
22 be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

23 It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or
24 that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of
25 the action or over its person or property. A party who waives service of the summons retains all defenses and
26 objections (except any relating to the summons or to the service of the summons), and may later object to the
jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's
attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response
with the court. If the answer or motion is not served within this time, a default judgment may be taken against that
defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually
served when the request for waiver of service was received.